

AMENDED IN SENATE JUNE 22, 2006

AMENDED IN ASSEMBLY APRIL 7, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 756

Introduced by Assembly Member Goldberg

February 18, 2005

~~An act to add Section 60050 to the Education Code, relating to instructional materials. An act to add and repeal Article 4.15 (commencing with Section 52058.5) of Chapter 6.1 of Part 28 of the Education Code, relating to school finance.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 756, as amended, Goldberg. ~~Instructional materials: page limitation.~~ *School finance: the Flexible Funding for Pupil Achievement Program.*

Existing law, the Public Schools Accountability Act of 1999, establishes (1) the Public Schools Performance Accountability Program, consisting of programs for schools based on their performance on statewide accountability tests and measures of that achievement; (2) procedures for local educational agency intervention that are to be taken regarding local educational agencies that are not meeting the pupil achievement requirements of the federal No Child Left Behind Act of 2001; (3) the state No Child Left Behind Liaison Team to advise the Superintendent of Public Instruction and the State Board of Education on appropriate matters related to implementation of the federal No Child Left Behind Act; and (4) a Statewide System of School Support to provide support and technical assistance to school

districts, county offices of education, and schools in need of improvement, as specified.

This bill would establish the Flexible Funding for Pupil Achievement Program and would enable school districts that (1) are identified as program improvement local educational agencies under the No Child Left Behind Act of 2001 and have 50% or more of their pupils enrolled in schools ranked in any of deciles 1 to 3, inclusive, of the Academic Performance Index, (2) participate in the Local Improvement Program, or (3) both, to participate in the new program and be exempt from the program requirements and regulations for specified categorical programs. The bill would require a participating school district to provide a plan regarding the expenditure of the funds that would be received pursuant to the program and how the expenditure of the funds will be documented to the Superintendent of Public Instruction for his or her review and approval prior to receiving any funds pursuant to this program. The bill would limit the Superintendent to only approving school district plans that demonstrate the manner in which the resources would be allocated to the individual schools attended by the specific pupils for which the funding would be received pursuant to the specified categorical programs. The bill would require the Superintendent to request that private foundations fund and conduct independent evaluations of the planning, implementation, operation, and effectiveness of the program for participating schools. The bill would make the program operative only until July 1, 2012.

~~Existing law requires the State Board of Education to adopt at least 5 separate basic instructional materials, as defined, for use in kindergarten and each of grades 1 to 8, inclusive, in language arts, mathematics, science, social science, bilingual or bicultural subjects, and any other subject, discipline or interdisciplinary areas for which the state board determines the adoption of instructional materials to be necessary or desirable.~~

~~Existing law requires the governing board of a school district maintaining one or more high schools to adopt textbooks for use in the high schools and authorizes only textbooks of publishers who comply with certain requirements to be adopted.~~

~~Existing law required the State Board of Education by July 1, 2004, to adopt maximum weight standards for textbooks, as specified.~~

~~This bill would prohibit the State Board of Education and school districts from adopting instructional materials that exceed 200 pages in length.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Article 4.15 (commencing with Section 52058.5)*
2 *is added to Chapter 6.1 of Part 28 of the Education Code, to*
3 *read:*

4
5 *Article 4.15. Flexible Funding for Pupil Achievement*
6 *Program*

7
8 *52058.5. The Flexible Funding for Pupil Achievement*
9 *Program is hereby established and shall be administered by the*
10 *Superintendent.*

11 *52058.55. A school district that meets one or both of the*
12 *following requirements may elect to participate in the program:*

13 *(a) The school district has been identified as a program*
14 *improvement local educational agency pursuant to subdivision*
15 *(c) of Section 6316 of Title 20 of the United States Code and has*
16 *50 percent or more of its pupils enrolled in schools ranked in any*
17 *of deciles 1 to 3, inclusive, of the Academic Performance Index.*

18 *(b) The school district is participating in the Local*
19 *Improvement Program established pursuant to Chapter 10*
20 *(commencing with Section 58950) of Part 31.*

21 *52058.6. (a) A school district participating in the program is*
22 *exempt from the program requirements and regulations for the*
23 *following programs:*

24 *(1) English Language Acquisition Program, as set forth in*
25 *Chapter 4 (commencing with Section 400) of Part 1.*

26 *(2) Home-to-school transportation programs, as set forth in*
27 *Article 2 (commencing with Section 39820) of Chapter 1 of Part*
28 *23.5 and Article 10 (commencing with Section 41850) of Chapter*
29 *5 of Part 24.*

30 *(3) Year-Round School Grant Program, as set forth in Article*
31 *3 (commencing with Section 42260) of Chapter 7 of Part 24.*

- 1 (4) *Marian Bergeson Beginning Teacher Support and*
2 *Assessment System, as set forth in Article 4.5 (commencing with*
3 *Section 44279.1) of Chapter 2 of Part 25.*
- 4 (5) *California Peer Assistance and Review Program for*
5 *Teachers, as set forth in Article 4.5 (commencing with Section*
6 *44500) of Chapter 3 of Part 25.*
- 7 (6) *Teacher dismissal apportionment, as set forth in Section*
8 *44944.*
- 9 (7) *Program to Reduce Class Size in Two Courses in Grade 9,*
10 *as set forth in Chapter 6.8 (commencing with Section 52080).*
- 11 (8) *Class Size Reduction Program for kindergarten and grades*
12 *1 to 3, inclusive, as set forth in Chapter 6.10 (commencing with*
13 *Section 52120).*
- 14 (9) *Bilingual Teacher Training Assistance Program, as set*
15 *forth in Article 4 (commencing with Section 52180) of Chapter 7.*
- 16 (10) *Regional Occupational Centers and Programs, as set*
17 *forth in Article 1 (commencing with Section 52300) of Chapter 9.*
- 18 (11) *Agricultural Career Technical Education Incentive*
19 *Program, as set forth in Article 7.5 (commencing with Section*
20 *52460) of Chapter 9.*
- 21 (12) *International Baccalaureate Diploma Program, as set*
22 *forth in Chapter 12.5 (commencing with Section 52920).*
- 23 (13) *Partnership Academies Program, as set forth in Article 5*
24 *(commencing with Section 54690) of Chapter 9 of Part 29.*
- 25 (14) *Supplemental grants, as set forth in Article 9*
26 *(commencing with Section 54760) of Chapter 9 of Part 29.*
- 27 (15) *Specialized secondary programs, as set forth in Chapter*
28 *6 (commencing with Section 58800) of Part 31.*
- 29 (16) *At-risk youth programs, as set forth in subdivision (a) of*
30 *Section 41 of Chapter 299 of the Statutes of 1997.*
- 31 (17) *Apprentice programs, as funded in Item 6110-103-0001*
32 *of Section 2.00 of the Budget Act of 2004 (Ch. 208, Stats. 2004).*
- 33 (18) *Intersegmental Programs, as funded in Item*
34 *6110-197-0001 of Section 2.00 of the Budget Act of 2004 (Ch.*
35 *208, Stats. 2004).*
- 36 (19) *Civic education program, as funded in Item*
37 *6110-208-0001 of Section 2.00 of Budget Act of 2004 (Ch. 208,*
38 *Stats. 2004).*
- 39 (20) *School safety programs, as funded in Item 6110-228-0001*
40 *of Section 2.00 of Budget Act of 2004 (Ch. 208, Stats. 2004).*

1 (b) This section does not amend, abrogate, or render
2 unenforceable the provisions of any collective bargaining
3 agreement governing the operation or administration of the
4 programs specified in paragraphs (4) and (5) of subdivision (a).

5 (c) Notwithstanding any other provision of law, commencing
6 with the 2007–08 fiscal year, and each fiscal year thereafter, the
7 Superintendent shall apportion categorical block grant funds to
8 school districts participating in the program as follows:

9 (1) In order to determine the amount of funds to be allocated
10 to each participating school district, the Superintendent shall do
11 all of the following:

12 (A) Determine the amount of funds allocated to each school
13 district in the 2006–07 fiscal year for the programs specified in
14 subdivision (a).

15 (B) Adjust that amount by the increase in average daily
16 attendance defined in Section 42238.5.

17 (C) Adjust the resulting amount by the inflation increase
18 provided in the annual Budget Act.

19 (2) The amount calculated pursuant to paragraph (1) shall be
20 allocated to each school district as a block grant and shall be
21 available for support of educational activities, in the following
22 priority order:

23 (A) Active court orders.

24 (B) Any other educational activity.

25 52058.65. A participating school district shall provide a plan
26 regarding the expenditure of the funds received pursuant to the
27 program and how the expenditure will be documented to the
28 Superintendent for his or her review and approval prior to
29 receiving any funds pursuant to this program. The
30 Superintendent shall only approve the plan if it demonstrates
31 how the resources shall be allocated to the individual schools
32 attended by the specific pupils for which the funding was
33 received pursuant to the categorical programs specified in
34 Section 52058.6.

35 52058.7. The Superintendent shall request private
36 foundations to fund and conduct independent evaluations of the
37 planning, implementation, operation, and effectiveness of this
38 program.

39 52058.75. This article shall become inoperative on July 1,
40 2012, and, as of January 1, 2013, is repealed, unless a later

1 *enacted statute, that becomes operative on or before January 1,*
2 *2013, deletes or extends the dates upon which it becomes*
3 *inoperative and is repealed.*

4 SECTION 1. ~~Section 60050 is added to the Education Code,~~
5 ~~to read:~~

6 ~~60050. (a) Neither the state board nor a governing board may~~
7 ~~adopt instructional materials that exceed 200 pages in length.~~

8 ~~(b) The Legislature encourages the use of technology and~~
9 ~~multimedia materials in order to comply with subdivision (a) and~~
10 ~~reduce the cost and weight of textbooks.~~